

201 KAR 5:100. Expungement.

RELATES TO: KRS 320.310(3)

STATUTORY AUTHORITY: KRS 320.310(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.310(3) authorizes the board to promulgate an administrative regulation to establish minor violations that are subject to expungement. This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

Section 1. Definition. "Expungement" means that:

- (1) The affected records shall be sealed;
- (2) The proceedings to which they refer shall be deemed not to have occurred; and
- (3) The affected party may properly represent that no record exists regarding the matter expunged.

Section 2. Minor Violations and Expungement Procedure.

- (1) The following violations shall be considered minor in nature:
 - (a) Failure to timely renew a license;
 - (b) Failure to timely obtain continuing education; or
 - (c) Failure to timely obtain required HIV/AIDS continuing education.
- (2)(a) Not have been the subject of a subsequent violation of the same nature for a period of three (3) years after the date of completion of disciplinary sanctions imposed for the violation sought to be expunged; and
- (b) Submit a written request to the board. The board shall consider each request and shall, if the requirements established in KRS 320.310(3) and this administrative regulation are satisfied, expunge the record of the subject disciplinary order. (30 Ky.R. 1704; 1905; eff. 2-16-2004.)